CERTIFICATE.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1906.

No. 416.

SHROPSHIRE, WOODLIFF AND COMPANY

vs.

BUSH ET AL., TRUSTEES, &c.

ON A CERTIFICATE FROM THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT.

FILED SEPTEMBER 29, 1906.

(20,381.)

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., SEPTEMBER 17, 1906.

1 No. 1527.

United States Circuit Court of Appeals, Sixth Circuit.

SHROPSHIRE, WOODLIFF & COMPANY
v.
BUSH ET AL., Trustees, etc.

Appeal from the District Court of the United States for the Eastern District of Tennessee.

In a case pending under an appeal from a judgment disallowing priority to certain claims for wages due by the bankrupt, there has arisen a question of law concerning which this Court desires the instruction of the Supreme Court for its proper decision.

The only facts necessary to be stated are these:

The Southern Car and Foundry Company, a manufacturing corporation, has been duly adjudicated an involuntary bankrupt, and the appellees have been duly appointed trustees of the bankrupt's estate. The appellants are copartners doing business under the firm name shown in the caption. By purchase and assignment the appellants became the assignees of a large number of claims for wages, none being for a sum in excess of $300.00.

Each separate claim so assigned to the appellants represents wages due and earned within three months before the commencement of proceedings in bankruptcy; and each one of said claims was assigned to the appellants prior to the commencement of said bankruptcy proceedings. Priority was disallowed because of this fact, the bankrupt court being of the opinion that the claims when filed were not for wages then "due to workmen, clerks, or servants, etc."

The question which we certify, and upon which we desire the instruction of the Supreme Court, is this:

Is an assignee of a claim for wages earned within three months before the commencement of proceedings in bankruptcy against the bankrupt debtor, entitled to priority of payment, under section 64 (4), of the Bankrupt Act, when the assignment occurred prior to the commencement of such bankruptcy proceedings?

HORACE H. LURTON,
HENRY F. SEVERENS,
ANDREW M. J. COCHRAN,
Judges of the United States Circuit Court of Appeals for the Sixth Circuit, Sitting in this Case.

2 United States Circuit Court of Appeals for the Sixth Circuit.

UNITED STATES OF AMERICA, *Sixth Judicial Circuit, ss:*

I, Frank O. Loveland, Clerk of the United States Circuit Court of Appeals for the Sixth Circuit, do hereby certify that the foregoing certificate and statement of facts in the case of Shropshire, Woodliff

and Company, *vs.* Bush, *et al.*, Trustees, etc. was duly filed and entered of record in my office by order of said Court, and as directed by said Court, the said certificate is by me forwarded to the Supreme Court of the United States for its action thereon.

In Testimony Whereof, I have hereunto subscribed my name, and affixed the seal of said Court, at the City of Cincinnati, Ohio, this 27th day of September A. D. 1906.

[Seal United States Circuit Court of Appeals, Sixth Circuit.]

FRANK O. LOVELAND,
Clerk of United States Circuit Court
of Appeals for the Sixth Circuit.

[Endorsed:] United States Circuit Court of Appeals for the Sixth Circuit. Shropshire, Woodliff & Co., *vs.* Bush, *et al.*, Trustees, etc. Questions certified to the Supreme Court of the United States.

Endorsed on cover: File No. 20,381. U. S. circuit court appeals, 6th circuit. Term No. 416. Shropshire, Woodliff & Company, *vs.* Bush *et al.*, trustees, &c. (Certificate.) Filed September 29th, 1906. File No. 20,381.